

NOTICE OF TORT CLAIM FORM

(for Property Damage &/or Personal Injury)

Anyone who has a claim for personal injury or property damage against the State of Indiana must either use this form to file a claim or make the claim in writing as prescribed in IC 34-13-3, and the following rules:

--KEEP A COPY OF YOUR CLAIM FORM, YOUR RECEIPTS FOR YOUR BILLS, YOUR ESTIMATES FOR REPAIR, AND YOUR CERTIFIED OR REGISTERED MAIL RECEIPT.

--IF YOUR CLAIM IS PROPERLY FILED, the Office of the Attorney General will investigate it, and will notify you, in writing, within 90 days of receipt if your claim is approved. A claim is deemed denied if not approved within 90 days.

--DO NOT DELAY IN MAKING YOUR CLAIM as Indiana law gives you only 270 (TWO HUNDRED SEVENTY) days from the date of loss to make a claim, and, it must comply with IC 34-13-3. EACH PERSON who had a loss should file a separate form.

--THE FILING OF THIS CLAIM IS PART OF A LEGAL PROCESS. If you have any questions about the correct way to file a claim, you should contact an attorney of your choice. By law, the state's attorneys are not authorized to assist you with filing this claim, however, for your information, the following is a list of actions or conditions resulting in nonliability (pursuant to Indiana Code 34-13-3-3):

- (1) the natural condition of unimproved property;
 - (2) the condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose which is not foreseeable;
 - (3) the temporary condition of a public thoroughfare or extreme sport area that results from weather;
 - (4) the condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area;
 - (5) the design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:
 - (A) a set of rules governing the use of the extreme sport area;
 - (B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and
 - (C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment
- This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.
- (6) the initiation of a judicial or an administrative proceeding;
 - (7) the performance of a discretionary function; however, the provision of medical or optical care, as provided by IC 34-6-2-38, shall be considered to be a ministerial act;
 - (8) the adoption and enforcement of, or failure to adopt or enforce a law (including rules & regulations), unless the act of enforcement constitutes false arrest or false imprisonment;
 - (9) an act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid, if the employee would not have been liable had the statute been valid;
 - (10) the act or omission of anyone other than the governmental entity or the governmental entity's employee;
 - (11) the issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law;
 - (12) failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety;
 - (13) entry upon any property where the entry is expressly or impliedly authorized by law;
 - (14) misrepresentation if unintentional;
 - (15) theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission;
 - (16) injury to the property of a person under the jurisdiction and control of the Department of Correction if the person has not exhausted the administrative remedies and procedures provided by section 7 of this chapter;
 - (17) injury to the person or property of a person under supervision of a governmental entity and who is:
 - (A) on probation; or
 - (B) assigned to an alcohol & drug services program under IC12-23, a minimum security release program under IC 11-10-8, a pretrial conditional release program under IC 35-33-8, or a community corrections program under IC 11-12
 - (18) design of a highway (as defined in IC 9-13-2-73), if the claimed loss occurs at least twenty (20) years after the public highway was designed or substantial redesigned; except that this subdivision shall not be construed to relieve the responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition;
 - (19) development, adoption, or implementation, operation, maintenance, or use of an enhanced emergency communication system;
 - (20) injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC20-8.1-5.1-7(b);
 - (21) an error resulting from or caused by a failure to recognize the year 1999, 2000, or a subsequent year, including an incorrect date or incorrect mechanical or electronic interpretation of a date that is produced, calculated, or generated by:
 - (A) a computer;
 - (B) an information system; or
 - (C) equipment using microchips;
- that is owned or operated by a governmental entity. However, this subdivision does not apply to acts or omissions amounting to gross negligence, willful or wanton misconduct, or intentional misconduct. For purposes of this subdivision, evidence of gross negligence may be established by a party by showing failure of a governmental entity to undertake an effort to review, analyze, remediate, and test its electronic information systems or by showing failure of a governmental entity to abate, upon notice, an electronic information system error that caused damage or loss. However, this subdivision expires June 30, 2003.
- (22) an act or omission performed in good faith under the apparent authority of a court order described in IC 35-48-1-15.1 that is invalid, including an arrest or imprisonment related to the enforcement of the court order, if the governmental entity or employee would not have been liable had the court order been valid.



**STATE OF INDIANA
CLAIM FOR PERSONAL INJURY OR PROPERTY DAMAGE
PLEASE PRINT**

1. Claimant Name: _____ Driver's License #: _____
2. Date & Time of Loss: _____
3. Exact Location of Loss (include COUNTY, Town, Street, & nearest Crossroad): _____

4. Dollar Amount of Loss: _____
5. State Agency Involved & State Vehicle Commission # (if known): _____

6. Names & Addresses of All Persons Involved (if known): _____

7. Home Address of Claimant at Time of Loss: _____

8. Claimant's Current Address (if different than #7) & Home & Work Phone Numbers: _____

Home #: () _____ Work #: () _____
9. Alleged Negligence: _____
10. Explanation of What Happened (use additional sheets if necessary): _____

PLEASE READ: *I swear & affirm under the penalties for perjury that the foregoing information is true & correct to the best of my knowledge & belief.*

CLAIMANT'S SIGNATURE

DATE

PLEASE INCLUDE COPIES OF ACCIDENT REPORT, VEHICLE REGISTRATION, PAID RECEIPTS FOR REPAIR OR TWO ESTIMATES FOR REPAIR, MEDICAL REPORTS, PHOTOGRAPHS, & ANY ADDITIONAL DOCUMENTATION IN REFERENCE TO THIS MATTER, and mail* to:

Office of the Attorney General
ATTN: Tort Claim Investigations
302 W. Washington Street 5th Floor
Indianapolis, IN 46204

**State Statute requires claim be mailed via CERTIFIED or REGISTERED mail.*